

KCC 4742 (K-C 14,442A)  
PATENT

REMARKS

Applicants note that claims 1-34 have been found allowable. Claims 8 and 20 have been amended herein in this Amendment B to provide proper antecedent basis. Additionally, claims 35-38 and 40-42 have been amended to more particularly claim the invention. Support for the amendments to claims 35-38 and 40-42 can be found in original claim 1 and in the specification on page 3, line 30 through page 4, line 10. No new matter has been added by these amendments. After entry of this Amendment B, claims 1-42 will be pending in this case. Applicants respectfully request reconsideration and allowance of all pending claims.

1. Rejection of Claims 35-42 Under 35 U.S.C. §102(b)

Reconsideration is requested of the rejection of claims 35-42 under 35 U.S.C. §102(b) as being anticipated by Evans et al. (U.S. 6,029,603).

Amended claim 35 is directed to a method of inhibiting production of ammonia from urine held adjacent a wearer's skin by an absorbent article. The absorbent article comprises a permeable liner having a body-facing surface oriented for facing a wearer when the absorbent article is worn and an absorbent-facing surface opposite the body-facing surface, an outer cover, and an absorbent body positioned between the liner and the cover for absorbing body waste penetrating the liner. The method comprises applying a composition including a Yucca species extract between the body-facing surface of the liner and the

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outer cover.

Evans et al. disclose an animal litter absorbent composition that absorbs large amounts of animal urine, has good clumping and tracking characteristics, and is substantially dust free and environmentally safe. Specifically, Evans et al. disclose a calcined calcium sulfate absorbent as an animal litter which is made by compacting the calcium sulfate to increase the density or by adding a binder to the calcium sulfate powder and agglomerating or compacting. When a binder is added to the calcium sulfate powder, preferred binders include certain clays, such as bentonite clay, lignins, and starches. Optionally, trace additives such as sodium bicarbonate, *yucca schidigera* and other olfactory agents may be added in amounts up to about 5.0% by total weight, preferably 1.5% to 4.0% by weight, for ammonia and odor control.

Significantly, Evans et al. fail to disclose a method of inhibiting the production of ammonia from urine comprising applying a composition including a *Yucca* species extract between the absorbent-facing surface of the liner and the outer cover of an absorbent article. This is a requirement of claim 35 and is a significant aspect of Applicants' invention.

As stated in M.P.E.P. §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Since Evans et al. fail to disclose a method of inhibiting the production of ammonia from urine comprising applying a composition including a *Yucca* species extract between

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the absorbent-facing surface of the liner and the outer cover of an absorbent article, Evans et al. fail to disclose each and every limitation of claim 35. As such, claim 35 is novel over the Evans et al. reference.

Claims 36-42 depend directly or indirectly from claim 35. As such, claims 36-42 are patentable for the same reasons as claim 35 set forth above, as well as for the additional limitations they require.

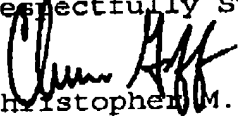
2. Rejection of Claims 35-42 for Obviousness Type Double Patenting

Claims 35-42 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4-6 of U.S. Patent No. 6,891,079. In response thereto, Applicants have enclosed herewith a Terminal Disclaimer in accordance with 37 C.F.R. 1.130(b) and 37 C.F.R. 1.321(c) to obviate the rejection. Accordingly, Applicants respectfully request the obviousness-type double patenting rejection be withdrawn.

In view of the above, Applicants respectfully request favorable reconsideration and allowance of all pending claims. The Commissioner is hereby authorized to charge any fee deficiency in connection with this Amendment B to Deposit Account Number 19-1345 in the name of Senniger, Powers, Leavitt & Roedel.

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Respectfully Submitted,

  
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